

Inside the Law

The Monthly Newsletter from
San Bernardino County District Attorney
Michael A. Ramos

September 2011



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DISTRICT ATTORNEY



OPERATION HUSH-A-SQUAD TARGETS RIALTO-BASED GANG MEMBERS



District Attorney Mike Ramos speaks to members of the press, Friday, July 29, 2011, in Rialto, California. Ramos noted the necessity to continue working with the County Board of Supervisors and local law enforcement agencies to continue suppressing gang activity in the local communities. (DA Photo / Chris Lee)

RIALTO, Calif. – On Friday, July 29, 2011, San Bernardino County District Attorney Michael A. Ramos, along with Rialto Police Captain Tony Farrar, announced the filing of a lawsuit seeking a gang injunction in the City of Rialto against the criminal street gang “Hustla Squad Clicc.”

Dubbed “Operation Hush-A-Squad,” the first phase of the operation consisted of the preliminary service of the gang injunction that was filed by Deputy District Attorney Grace B. Parsons. A total of 25 preliminary gang injunctions were served.

Parsons, along with other members from the District Attorney’s Gang Injunction Unit and the Rialto Police

FEATURED RESOURCES



Our *Bad Check Restitution Program* has two goals: to increase the accountability of those who pass bad checks and return to victims that which is rightfully theirs. For more information, [click here](#).

RECENT PRESS RELEASES

8-2-2011: [District Attorney Releases Gang Statistics](#)

8-10-2011: [DA Files Charges in Suspected Molester Case](#)

8-29-2011: [Pair Arrested for Real Estate Fraud](#)

IN THIS ISSUE

PAGE 1: [Operation Hush-A-Squad](#)

PAGE 2: [Convictions](#)

PAGE 4: [Chief’s Corner](#)

PAGE 4: [Connecting Through Social Media](#)

PAGE 7: [In the Courtroom with DDA Lana Dallas](#)

PAGE 12: [In the Community: Guiding Victims](#)

PAGE 14: [Prosecutor Explains Real Estate Scam](#)

Department's Street Crime Attack Team, spent over a year compiling all the documentation and evidence necessary to file the complaint for injunctive relief.

The second phase of the operation was a zero tolerance proactive patrol of the high crime and gang areas in the City of Rialto that included over 130 law enforcement officers from various law enforcement agencies throughout San Bernardino County. In addition, several parole and probation checks were conducted. The operation totals were: 89 arrests for various misdemeanor and felony crimes; 3 firearms seized; and a substantial amount of marijuana, methamphetamine, and cocaine were recovered.



Over 130 officers from various law enforcement agencies took part in Operation Hush-A-Squad. The first phase of the operation consisted of the preliminary service of the gang injunction, followed by a zero tolerance proactive patrol of the high crime and gang areas. (DA Photo / Chris Lee)

A gang injunction against the Hustla Squad Clicc would restrict certain activities of the gang, and subject its members to arrest if they engage in certain conduct, within an area called the Safety Zone. The purpose of the injunction is to greatly reduce the gang's criminal activity and reclaim the Safety Zone and the surrounding area for the peaceful enjoyment of the residents who live there.



Hustla Squad Clicc graffiti is shown in the City of Rialto in these 2009 file photos. (Rialto Police Department Photo)

CONVICTIONS

ERIK IBARRA, 26, of San Bernardino, and **GABRIEL SANCHEZ**, 26, of Monrovia, were convicted by prosecutor Joanne Uhlman of first-degree murder, five counts of robbery, four counts of attempted murder and gun allegations for a deadly shooting that occurred during a robbery two years ago at Blair Park in San Bernardino. Ibarra, the shooter, faces 190 years to life in prison and Sanchez faces 51 years to life.

OLIVIA ARMSTRONG, 50, of Joshua Tree, was convicted by Prosecutor Marie Fournier for two misdemeanor counts of driving under the influence of alcohol and having a blood-alcohol level of .08% or above.

MATTHEW GREEN, 32, of Los Angeles was convicted by Deputy District Attorney Cary Epstein of first-degree murder and being a felon in possession of a firearm and sentence enhancements for the use of a gun during the murder, commission of a crime to benefit a street

The injunction would serve to disrupt the gang's activities and make it harder for them to intimidate community members by prohibiting the gang's members from congregating and loitering in the Safety Zone. They would also be prohibited from displaying the gang's name, signs, or symbols to commit or promote any criminal or public nuisance act.



Confiscated firearms utilized by Hustla Squad Clicc members are shown in various file photos ranging from 2007-2010. (Rialto Police Department Photos)



Officers from the Redlands Police Department SMASH team were among the 130 officers that participated in Operation Hush-A-Squad on Friday, July 29, 2011, in Rialto, California. SMASH is a county-wide program known as San Bernardino Movement against Street Hoodlums. (DA Photo / Chris Lee)

The Hustla Squad Clicc's primary criminal activities have been committing robberies (including armed robberies), burglaries, grand thefts, firearms thefts, and controlled substances offenses. Firearm use is rampant among the gang.

"For nearly six years, the people of Rialto and the surrounding communities have had to suffer numerous crimes at the hands

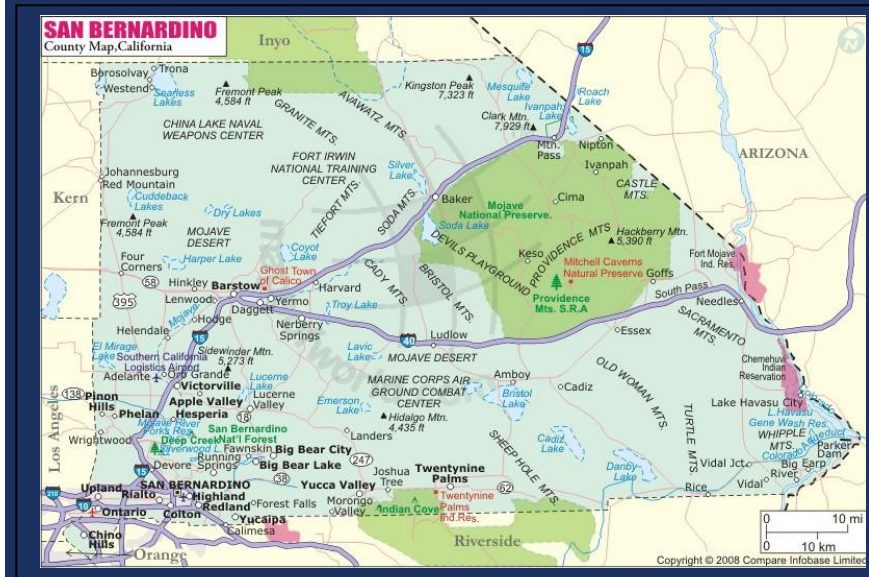
gang and commission of a hate crime. The defendant faces life in prison without the possibility of parole when he is sentenced later this month.

JOE JOHNSON, 50, of San Bernardino was convicted by prosecutor Tristan Svare for murdering his 75-year-old neighbor to death with an ax handle. Johnson faces 30 years to life in state prison.

ATRAYBION HARMON, 22, of Adelanto, was convicted by Deputy District Attorney Carrie Halgrimson of first-degree murder for stabbing his mother 44 times. He was sentenced to 26 years to life in state prison.

RICHARD HENDERSON JR., 29, of Bloomington, was convicted by DDA Adam Pierce for possession of firearms by a felon. Henderson, who was on parole at the time of the incident, had 1 Glock pistol, 1 Soviet semi-automatic rifle, 2 rifles and 1 shotgun in his possession—2 of which were stolen. He was sentenced to 3 years in prison.

of a criminal gang known as the Hustla Squad Clicc,” said District Attorney Michael A. Ramos. “We look forward to working with the Rialto Police Department in ending this gang’s criminal activity and making it possible for the members of this community to live their lives free of fear and violence.”



MILES OF TERRITORY TO COVER: San Bernardino County's High Desert covers 19,000 square miles.

IN THE COURTROOM: THE PEOPLE V. MARK ANTHONY FRATUS

Editor's Note: Each month we take an inside look at the courtroom from the perspective of a Deputy District Attorney.

By DDA Lana Dallas

To say that this trial was an unusual one would be an understatement indeed. This case involved a sex crime. The 28-year-old defendant was the victim’s step-grandfather. He suffered from a disability which had fused the bones of his neck and spine together. This disability resulted in him having a stiff, robotic gait when he entered the courtroom from his holding cell. He lacked the ability to lift his head up and his chin seemed to be affixed to his upper chest. Yet during jury selection, the defendant managed to turn his body away from the venire and shield his face with his hand. I would like to believe that his guilt manifested itself in the courtroom from the very beginning, given his body language.

CHIEF'S CORNER

Chief Deputy District Attorney Gary Roth of the Desert Adult Division Speaks Out.

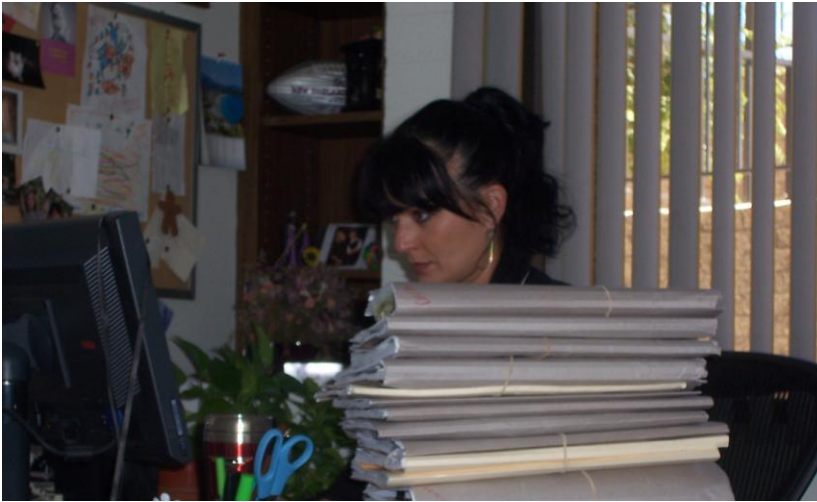
You wouldn't know it by driving through on your way to Las Vegas, but there is a lot of crime occurring within the 19,000 square miles that comprise San Bernardino County's High Desert. Our burgeoning population is now over 470,000 residents. Last year, the District Attorney's Desert Adult Division filed 16,000 criminal cases (5,000 felonies and 11,000 misdemeanors).



Gary Roth is Chief Deputy District Attorney of the Desert Adult Division. His area covers 19,000 square miles in the San Bernardino County High Desert. (DA Photo / Chris Lee)

This represents 27% of the criminal cases filed in the entire county. Our dedicated, hard working Desert Division staff consists of 39 prosecutors, 8 investigators, 4 investigative technicians, 5 victim advocates, and 28 office assistants. We have three branch offices in the Desert Division: Victorville, Barstow, and Joshua Tree.

The defendant's victim was a child and it was this prosecutor's first trial involving a sex crime committed against an eight year old little girl. I was scared.



Deputy District Attorney Lana Dallas prepares for her case against Mark Anthony Fratus.
(DA Photo)

The child and I met a few times prior to trial in an effort to make myself familiar to her and as comfortable as humanly possible when it came time for me to ask her questions an adult should never, ever have to ask a child. She was sweet and funny and warm. She was a trusting, little soul. She had a slight lilt to her speech pattern that made her even more endearing, for example, "Mark" was pronounced, "Mawk" and "very bad" sounded like "veh-we bah-d."

Our case was a solid one: the child disclosed that her grandpa had touched her "privates" and that he went "inside" of her. The defendant confessed to violating the child. The latter would have absolutely no use at trial, though, if the child did not testify to the acts. And so, one day, prior to trial, I was informed by the child's father that he received word from the child's therapist that the child would not testify. "She will shut down," he said, "if the child saw the defendant in court."

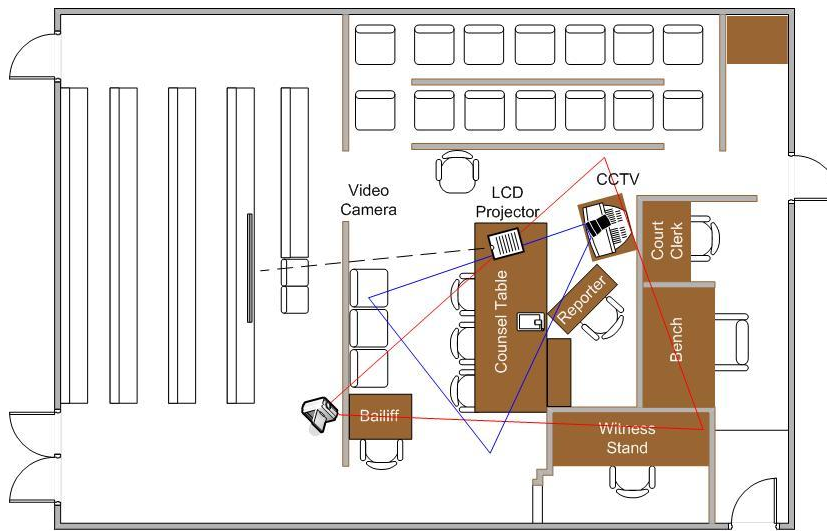
A colleague tried to assure me that the child would speak. I was told that adults make a bigger deal out of a child testifying in a sex case than the child does, but I was not convinced. The colleague then told me, "You know, there is a code that allows for TV testimony..." and there began our endeavor to protect the child from harm during her crucial testimony in the trial, and preserve the defendant's Sixth Amendment right to confront his accuser. Enter Penal Code Section 1347.

The Division stretches north from the Cajon Pass to the Nevada border and Inyo County line, west to the Los Angeles and Kern County lines, and east to the Arizona border.

What happens to the criminals we prosecute? Those that commit minor crimes are put on the "rehabilitation track" with probation, restitution, counseling, alcohol rehabilitation, anger management programs, and anywhere from "credit for time served" to 365 days in county jail. The serious offenders are sent to state prison to do hard time.

Last year, 1,800 hardened criminals who committed serious crimes in the Desert Division were sentenced to over 7,200 years in state prison. You would think that would have put a dent in crime in the High Desert, but it hasn't. We are on our way to having similar crime statistics for this year. Our cases are as serious as they come. For example, Desert Major Crimes Unit prosecutor Rob Brown recently completed his 20th murder trial, one that involved the execution murder by six Sinaloa Drug Cartel members of two rival drug dealers.

The case had been assigned to Department B-1 in front of the Honorable John B. Gibson for trial. Proper notice was filed with our intent to use closed-circuit television for the child's testimony. We asked for, and received, a hearing to take evidence in support of closed-circuit testimony. The child's therapist-intern testified that the child would suffer severe, emotional trauma if she were to see the defendant and she believed the child would not be able to testify as a result. The therapist based her opinion on the child's reactions to discussions about testifying in court and the possibility of seeing the defendant. The Court found we had met our burden by clear and convincing evidence under Penal Code Section 1347(b)(2)(A), and accepted the therapist's opinion. Closed-circuit testimony would be allowed.



Barstow Court – Department 1
For Video Testimony

Courtroom Layout Diagram pursuant to Penal Code Section 1347. (Diagram created by Miki Marhoefer)

Our initial idea was to broadcast the child via webcams using Skype™. We tried this procedure in court and it worked, but due to the intermittent frequency of the WiFi in our department, the connection was often lost. The Bureau of Investigations and IT found an alternate way to make it work. Without their combined efforts, the child would have been required to take the stand. All our worries of trauma to the child would have been realized, and our case would have been in peril.

The closed-circuit televisions that our courthouse routinely uses to arraign defendants at West Valley Detention Center and Needles became a part of the trial. One television was



The Victorville Division is located at 14455 Civic Dr., Suite 300, Victorville, CA 92392.

Despite our relatively remote location, our Desert prosecutors are on the forefront of the criminal justice system, and provide leadership countywide and statewide. For example, last year Barstow Deputy District Attorney Lana Dallas was the first prosecutor countywide to successfully utilize Penal Code section 1347, which allows a child molest victim to testify at trial by two-way closed circuit TV, to avoid trauma to the victim.

Barstow Deputy District Attorney Sean Daugherty is helping update the California District Attorneys Association statewide manual on prosecutor ethics. Victorville Supervising Deputy District Attorney Britt Imes is on Attorney General Kamala Harris' advisory committee on criminal street gang issues, and previously assisted with drafting statewide legislation that helps prosecutors crack down on gang members who possess firearms.

Victim's rights and restitution

stationed in Department 1 next to the jury box. The other television was upstairs in Department 5, nestled in the library of the Judge's chambers. Here the child sat during her testimony. She could see the people asking her questions. We, also, deliberately left the defendant within the child's view for Sixth Amendment reasons.



PICTURED LEFT: Monitor viewed by the child during her testimony. PICTURED RIGHT: Library seat used by the child during her testimony. (DA Photo)

Downstairs, the B of I crew connected a projector to the television output, which allowed the child's image and testimony to be shown via the overhead screen. The child could be heard, and her demeanor could be observed during her testimony by the jury and the Judge. Moreover, she could see the defendant. During direct examination, the child covered her eye with a cupped hand. "I cover my eye, this eye, because I don't want to see him," she said, "I only can see you." This was important for Constitutional purposes. The defendant had a monitor in front of him at counsel table that displayed the child's image during her testimony and the child could see him. There was confrontation even though it was 'virtual' confrontation.

With direct examination completed, the People had presented evidence of sexual abuse committed against the little one, separate and apart from the defendant's confession. The child came through! At one point during cross-examination, the defense asked the child if anyone had told her what to say about the defendant, and she replied by pointing at herself and emphatically stating her name over and over, again.

Mark Anthony Fratus was found guilty of violating Penal Code Section 288.7(b) on November 24, 2010. He was sentenced to 15 years to life in prison. The case is currently up on appeal to our Fourth District Court of Appeals. The briefs have been submitted. The single issue on appeal is whether the Court abused its discretion by allowing the child to testify pursuant to Penal Code Section 1347, with the defense contending the

to victims are on the top of our priority list. Our Desert Victim Advocates assist thousands of crime victims each year, and help obtain hundreds of thousands of dollars in victim restitution.

Public service is the watchword of the District Attorney's Office and the Desert Division also participates in many community outreach programs. For example, each year over twenty of our prosecutors help coach, judge, and administer the Desert component of the county's high school mock trial program, instilling civic values and respect for our legal system in hundreds of high school students.

Our prosecutors and victim advocates give presentations at desert domestic violence shelters, Child Protective Services, and at "career days" at local elementary, middle and high schools. Victorville prosecutor Kathleen DiDonato is on the board of the High Desert Bar Association. Our prosecutors help keep the Desert community informed about our criminal justice system by speaking at service clubs (Rotary, Kiwanis, etc.) and community college criminal justice classes.

People did not present substantial evidence in support of the medium at the hearing.

We await the outcome of the appeal.

We expect our smallest of victims to come to court and recount horrible crimes, committed against his or her little person, to a room full of strangers, and in front of the one whom we believe committed the horrible crime. If we are able to fight for a choice that protects the child and provides some sort of comfort, no matter how slight, we have an obligation to try.

CONNECTING WITH THE PUBLIC THROUGH SOCIAL MEDIA

SAN BERNARDINO, Calif. – For the past two months, the District Attorney's Office has been using its Twitter and Facebook accounts to share breaking news and other updates with its followers.

The public is invited to visit these sites in order to gain more information about the District Attorney's office.



San Bernardino County District Attorney

Congratulations to Deputy District Attorney Karen Khim on her recent conviction: http://www.sbsun.com/news/ci_18563176



Man found guilty in woman's death – San Bernardino County Sun
www.sbsun.com

SAN BERNARDINO – A jury has found a Redondo Beach man guilty of killing a Manhattan Beach bartender in February 2009 and later throwing her body off a highway turnout in the San Bernardino Mountains.

July 28 at 8:37am · Like · Comment · Share

2 people like this.

“It’s really about utilizing all the tools that we possibly can to fulfill our mission and connect with the public we serve,” said District Attorney Mike Ramos.

Ramos added that part of the mission of the District Attorney's Office is “to ensure that the public is kept informed of the work done by the San Bernardino County District Attorney's Office.”

Prosecuting criminals, protecting victim's rights, public service, and improving the quality of life for all the residents in the High Desert is what Desert Justice is all about!

TWO MEN CHARGED IN REAL ESTATE SCAM



(DA Photo / Lori Rangel)

SAN BERNARDINO, Calif. – Deputy District Attorney Lance Cantos and Investigator Tina Greco of the Real Estate Fraud Unit were recently featured on ABC Channel 7.

The case involves two men who allegedly filed over 70 fraudulent documents, affecting over \$17,000,000 in home loans.

[Click here](#), to view the news segment, or you can view an article by [Sun Staff Writer Mike Cruz](#).

BELOW: ACTUAL SCREENSHOT OF FACEBOOK PAGE



San Bernardino County District Attorney

"Although the way in which sexual trafficking occurs today has changed dramatically with the advent of the internet, locations still remain where a person can buy sex," said CDDA Karen Bell, who oversees the Coalition Against Sexual Exploitation for the DA's office. According to Bell, there are several areas that are sources of not only sex trafficking but all of the criminal activity that comes with it: robbery, drug use and sales, gang activity, theft and graffiti just to name a few (see attached map).



Wall Photos

Tuesday at 11:11am · Like · Comment · Share



San Bernardino County District Attorney

District Attorney Ramos will appear on the Local Edition, CNN HLN this week discussing Corruption, AB 109 and Camp Good Grief. The show will also air on Charter's Video-On-Demand and Charter Channel 101. For more information, visit <http://www.charterlocaledition.com/home.html>



Charter Local Edition on CNN Headline News

www.charterlocaledition.com

Charter Local Edition interviews air on CNN HLNCNN HLN CHANNEL LINE UP (Channel 49 in most areas except SLO):

Monday at 9:45am · Like · Comment · Share

To follow the San Bernardino County District Attorney's Office on Facebook, [click here](#). By clicking "LIKE," you ensure that our page shows up in your news feed.

BELOW: ACTUAL SCREENSHOT OF TWITTER FEED



sbcountyda Michael Ramos

We just started an IN BRIEF series that offers insight about various units at the DA's Office: tinyurl.com/3rse42v

9 Aug



sbcountyda Michael Ramos

DA Ramos to appear on CNN HLN this week. For more information, visit charterlocaledition.com/home.html

8 Aug



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VIDEO PICK: Here is a heart-warming video to end your week. Soldier homecoming surprise mix youtu.be/uSMIIM9zLio

5 Aug



sbcountyda Michael Ramos

San Bernardino County District Attorney and Rialto Police Crack Down On Territorial Gang « CBS Los Angeles cbsloc.al/reqAUJ

3 Aug



sbcountyda Michael Ramos

I have said this before, and I'll say it again. I refuse to let these local terrorists try and control our communities.

tinyurl.com/3bv4a9

3 Aug

SPECIALIZED PROSECUTIONS GROUP



(DA Photo / Lori Rangel)

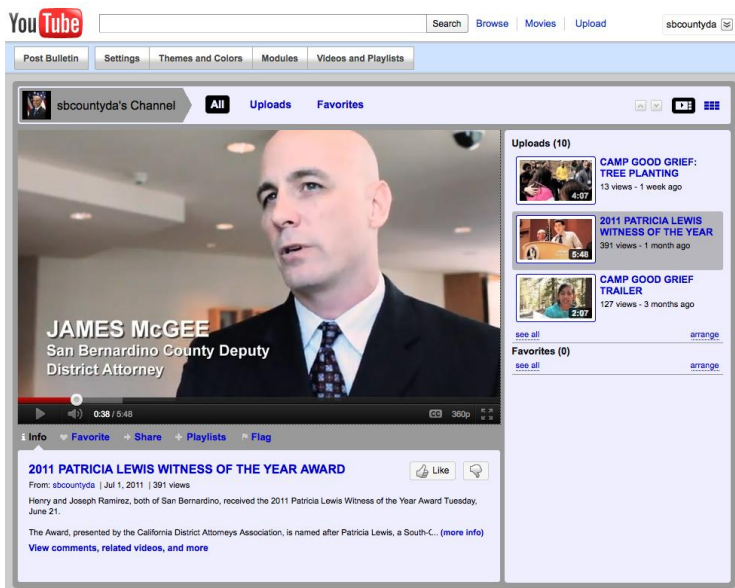
SAN BERNARDINO, Calif. -- Members of the Specialized Prosecutions Group hosted an all-day courtroom demeanor training for the environmental justice community.

The instruction covered the process from the moment the subpoena arrives to the time the witness leaves court, complete with a real-world courtroom exercise.

The in-court mock prelim was lead by SPG attorneys Dan Silverman, Douglas Poston and DDA Michael Dauber; Senior B of I Investigator Todd Blankenship was the Investigating Officer.

Nearly three dozen regulators, investigators and peace officers from around Southern California attended the class, held in Department S-7 in the Central Judicial District.

To follow the San Bernardino County District Attorney's Office on Twitter, visit: www.twitter.com/sbcountyda



To access videos from the District Attorney's You Tube Channel, visit: <http://www.youtube.com/user/sbcountyda>

IN THE COMMUNITY: GUIDING VICTIMS THROUGH THE CRIMINAL JUSTICE SYSTEM



The following interview was conducted with Victim Services Advocate Rebeca Moreno, who has been with the San Bernardino County District Attorney's Office for six years.

What is a Victim Advocate? A Victim Advocate is a person who intervenes, assists, comforts and supports victims of crime and their families through the complicated and intimidating criminal justice system with compassion, integrity and patience. An advocate acts like the "voice" for the victim's desires in seeking justice and informs victims of their rights.

CONVICTIONS (CONTINUED)

HRATCH MKRTUMYAN, 27, of Glendale, pleaded guilty to vehicular manslaughter with gross negligence for driving nearly 100 mph on I-15 near Baker and rear-ending another vehicle, killing its driver. He was sentenced to 6 years in prison. The case was prosecuted by Barstow Deputy District Attorney Barbara McClanahan.

DEREK T. BURTON, 31, of Lawndale, was convicted by a jury of first degree residential burglary with two prior robbery convictions, and sentenced to 25 years to life in prison. The case was prosecuted by Barstow Deputy District Attorney Joel Buckingham.

DAVID KOCH, 38, of Hesperia, pleaded guilty to second degree murder for shooting his wife to death during an argument. He was sentenced to 15 years to life in prison. The case was prosecuted by Victorville Family Violence Unit Deputy District Attorney David Foy.

Describe what you do on a daily basis? My duties vary from day to day; I could be in court all day providing court support to victims and their families, or I could be in my office completing applications and calling victim's to offer assistance or helping walk-ins. I also go to Joshua Tree a couple of times a month, or as needed, as there is no victim advocate in that DA's office. My various duties also include: providing court status, explaining court hearings, and assisting with Victim Impact Statements. I also assist victims in filling out applications for the Victims of Crime Program to help with crime related expenses such as: counseling, medical/dental bills, income loss, relocation expenses, home security expenses, crime scene clean-up, home/vehicle modifications for victims who have become disabled due to the crime, funeral and burial costs, crisis intervention, resource and referral assistance, property return, restitution assistance and crime prevention intervention; many times on an emergency basis.

Can you think of one particular case where you feel as though you really made a difference? DA Rob Brown prosecuted a gruesome murder case in March 2010. The 18-year-old victim was shot and his body burned and disposed of in a shallow grave. The victim's parents were Spanish-speaking only and were here every day of the trial. I would translate, to the best of my ability, what was happening each day in court and afterwards I would have a short briefing with them so I could answer their questions and make sure that they understood everything that was going on. The defendants were found guilty and sentenced to 50 years to life and the other to 25 years to life. The parents were very grateful and couldn't thank all of us involved in the case enough.

Why do you do this job? I enjoy helping people and enjoy the challenges and variety of this position. No two days are alike and every victim and every case is different.

facebook



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QUESTION FOR THE DA?

Have a question for San Bernardino County District Attorney Mike Ramos? Send your question to da@sbcda.org and then follow us on Facebook each week to see if he answers it via a video message. You must include your name and e-mail address. Please keep your question to 50 words or less.



Mission Statement

It is the mission of the San Bernardino County District Attorney's Office to represent the interests of the people in the criminal justice system, as mandated by California State law. The San Bernardino County District Attorney's Office serves the residents of San Bernardino County by: seeking the truth, protecting the innocent; holding the guilty accountable; preserving the dignity of victims and their families; and, ensuring that justice is done while always maintaining the highest ethical standards.

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[San Bernardino County District Attorney](#)